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FILED
COURT OF CRIMINAL APPEALS
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BRAZOS COUNTY, TEXAS

February 9, 2018

Honorable Deana Williamson
Clerk
Court of Criminal Appeals
P.O. Box 12308
Austin, TX 78711

RE: Kelsey Jo Lackey v. The State of Texas
Case no. PD-0748-17
(oral argument scheduled for March 7, 2018)

Request for decision on the State's *motion to strike reporter's record attached to Appellant's brief and objection to the filing of any reporter's record.*

Dear Ms. Williamson:

On January 25, 2018, the State filed its *motion to strike reporter's record attached to Appellant's brief and objection to the filing of any reporter's record*. The motion notes that the court of appeals only had the clerk's record before it when it issued its opinion. The State's motion objects and moves to strike the filing/consideration of any documents that were not part of the record when the court of appeals issued its opinion. This objection/motion includes reporter's records that are either attached as an appendix to Appellant's brief or e-filed by a court reporter.

On January 26, 2018, Appellant filed his *motion to supplement appellate record and response to state's motion to strike*.

On January 30, 2018, the Court gave notice that oral argument will be held on March 7, 2018. Both parties have given timely notice requesting oral argument.

The parties must know what will constitute the record before argument. It is possible that the Court will consider oral argument to be prematurely set if the State's motion is granted. The State requests that its motion and any reply be considered by the Court as soon as possible.

Sincerely,

/s/ Douglas Howell, III

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cc: E. Alan Bennett